



April 30, 2024

VIA EMAIL

Hon. Catherine E. Lhamon
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Mr. Ramzi Ajami
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**Re: Complaint re: Violation of Title VI of the Civil Rights Act by the
University of Massachusetts-Amherst**

Dear Assistant Secretary Lhamon and Director Ajami:

This complaint is filed on behalf of the Anti-Defamation League (ADL), a leading anti-hate organization committed to stopping the defamation of the Jewish people and securing justice and fair treatment to all, The Louis D. Brandeis Center for Human Rights under Law (the Brandeis Center), a national non-profit legal advocacy organization that works to combat antisemitism in higher education and protect the rights of Jewish students, the law firms of Holtzman Vogel Baran Torchinsky & Josefiak PLLC and Libby Hoopes Brooks & Mulvey, P.C. and a current undergraduate Jewish student at the University of Massachusetts-Amherst (“UMass-Amherst”).¹ Other UMass-Amherst students have also reported anti-Semitic treatment and harassment. We include their experiences here but honor their preference to remain anonymous. Students named

¹ Only schools receiving federal assistance fall within the ambit of Title VI. UMass-Amherst students receive federal loans. UMass-Amherst, *Financial Aid: Types of Aid*, <https://www.umass.edu/financialaid/non-degree-seeking-students/types-aid> (last visited April 25, 2024). Federal loans, referred to as “grants and loans of federal funds” by the U.S. Department of Justice, are an example of federal assistance. See Civ. Rights Div., U.S. Dep’t of Just., *DOJ Title VI Legal Manual*, <https://www.justice.gov/crt/book/file/1364106/dl?inline>, at 5 (last visited Apr. 25, 2024).

directly in this Complaint are able and willing to provide testimony to the Office for Civil Rights (OCR) about the hostile environment that has developed for Jewish and Israeli students at UMass-Amherst.

UMass-Amherst is located at 120 Tillson Farm Road, Amherst, Massachusetts 01003. In order to comply with the 180-day rule employed by OCR and preserve the claims of our Complainant Dylan Jacobs, we must bring this Complaint now. We respectfully submit this letter of complaint pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. (Title VI). The basis of this Complaint is an incident in which our client Mr. Jacobs was punched repeatedly by another student for the mere “crime” of holding a small Israeli flag. While UMass-Amherst was quick to condemn the attack, it did little beyond that. Instead, it spent nearly six months ignoring the incident, despite requests from the victim to address the matter. Notably, our client did not file any allegations through the University’s internal grievance procedures; rather, the University initiated its own investigation. However, that investigation has dragged on for six months and has offered no guarantees of safety or protection to our client in the interim. Instead, this bureaucratic maze of inaction has revealed that the University lacks a competent resolution process for addressing violations of the sort that our client has faced.

Furthermore, in addition to allowing antisemitic violence to go unchecked, UMass-Amherst has permitted genocidal chants and rhetoric to permeate campus and allowed certain student groups to halt academic and social activity through their protests. UMass-Amherst has engaged in deliberate indifference towards the antisemitism currently festering on its campus.

For the reasons detailed below, we request that OCR initiate an investigation into UMass-Amherst, which currently receives federal funds, for violations of Title VI due to the UMass-Amherst Administration’s deliberate indifference to antisemitism. We also request mediation at the time of filing pursuant to Section 201(a) of OCR’s Case Processing Manual.

I. Introduction

Since October 7, Jewish students have felt increasingly unsafe on American college campuses. A survey performed by the ADL and Hillel International following October 7 revealed that nearly three-quarters of Jewish college students have experienced or witnessed antisemitism since the beginning of the school year. Similarly, less than half of Jewish college students reported feeling “very” or “extremely” safe on their respective campuses, while a majority of *all* surveyed students, both Jewish and non-Jewish, expressed that their respective colleges had not sufficiently addressed antisemitism on campus.² In another survey, a third of Jewish students shared that they had felt compelled to hide their Jewish identity while on campus.³

² See *Campus Antisemitism: A Study of Campus Climate Before and After the Hamas Terrorist Attacks*, ADL (Nov. 29, 2023), <https://www.adl.org/resources/report/campus-antisemitism-study-campus-climate-and-after-hamas-terrorist-attacks>.

³ See *More Than One-Third of Jewish College Students Are Forced to Hide Their Jewish Identity, New Hillel Poll Finds*, Hillel International (Nov. 20, 2023), <https://www.hillel.org/more-than-one-third-of-jewish-college-students-are-hiding-their-jewish-identity-on-campus-new-hillel-international-poll-finds/>.

Antisemitism can and does take many forms. The iteration most prevalent on college campuses currently involves targeting Jewish people for their relationship to Israel by employing the term “Zionist” as a pejorative slur. This is entirely intentional. As the Office for Civil Rights (“OCR”) has observed for years in a variety of statements, Jews are not simply a religious group, but a people with a shared history and heritage deeply rooted in the land of Israel.⁴ In fact, Executive Order 13899, as amplified by OCR’s current policy guidance, explicitly adopts the working definition of antisemitism put forth by the International Holocaust Remembrance Alliance (“IHRA Definition”), which refers to “[h]olding Jews collectively responsible for actions of the state of Israel” as one example of antisemitism.⁵ This is precisely the manifestation of antisemitism at UMass-Amherst that has been permitted to flourish in the wake of the deadliest day for the Jewish people since the Holocaust.

It is not surprising that antisemitism has taken this shape. For many Jews, this connection to Israel (*i.e.*, Zionism) is regarded as a critical component of their shared ancestry. In fact, a recent PEW survey revealed that 80% of Jews identified caring about Israel as either an “essential” or “important” part of their Jewish identity.⁶ The Biden Administration’s U.S. National Strategy to Counter Antisemitism, released in May 2023, acknowledges this connection, stating,

Jewish students and educators are targeted for derision and exclusion on college campuses, often because of their real or perceived views about the State of Israel. When Jews are targeted because of their beliefs or their

⁴ Off. for Civ. Rights, U.S. Dep’t of Educ., *Dear Colleague Letter on Shared Ancestry* (Nov. 7, 2023), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf>; Off. for Civ. Rights, U.S. Dep’t of Educ., *Dear Colleague Letter on Antisemitism against Jewish Students* (May 25, 2023), <https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf> at 1; Off. for Civ. Rights, U.S. Dep’t of Educ., *FACT SHEET: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics* (Jan. 4, 2023), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-shared-ancestry-202301.pdf>; Off. for Civ. Rights, U.S. Dep’t of Educ., *Know Your Rights: Title VI and Religion* (Jan. 17, 2017), <https://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201701-religious-disc.pdf>; Off. for Civ. Rights, U.S. Dep’t of Educ., *2010 Dear Colleague Letter* (Oct. 26, 2010), https://titleixreference.weebly.com/uploads/7/8/8/5/78856372/dear_colleague_letter_2010.pdf; Letter from Thomas E. Perez, Asst. Att’y Gen., Civ. Rights Div., U.S. Dep’t of Just., to Russlyn H. Ali, Asst. Sec’y for Civil Rights, Off. for Civ. Rights, U.S. Dep’t of Educ., *Re: Title VI and Coverage of Religiously Identifiable Groups* (Sept. 8, 2010), https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed_OC_R_Title%20VI_and_Religiously_Identifiable_Groups.pdf; Off. for Civ. Rights, U.S. Dep’t of Educ., *Dear Colleague Letter* (Sept. 13, 2004), <https://www2.ed.gov/about/offices/list/ocr/letters/religious-rights2004.pdf>.

⁵ EO 13899, §1; *see also* Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964, U.S. Dep’t Educ.–Office for C.R., January 19, 2021, available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf>.

⁶ *See U.S. Jews’ connections with and attitudes toward Israel*, Pew Rsch. Center (May 11, 2021), <https://www.pewresearch.org/religion/2021/05/11/u-s-jews-connections-with-and-attitudes-toward-israel/>.

identity, when Israel is singled out because of anti-Jewish hatred, that is antisemitism. And that is unacceptable.⁷

Since October 7, in which 1,200 Israelis were raped, murdered, or kidnapped by the deadly terrorist group Hamas, pockets of the UMass-Amherst campus have erupted in support for Hamas with little to no admonishment from the Administration. Students have reported being subjected to the following: genocidal chants; antisemitic slurs; physical threats; actual violence; statements from UMass-Amherst student groups praising Hamas’s terrorism as justified “resistance”; disruptive pro-Hamas protests that prevent people from physically entering or exiting buildings, working, or studying; and a general atmosphere of fear and hatred directed at Jews.

II. Title VI of the Civil Rights Act Applies to Antisemitism Pursuant to Executive Order 13899 and OCR Guidance

A. Title VI’s Applicability to Antisemitism

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.* (“Title VI”) forbids discrimination on the basis of race, color, and national origin at any educational institution that is a recipient of federal funds.⁸ As referenced prior, guidance issued by OCR and Department of Justice in 2004, 2010, 2017, and 2023 has stressed that Title VI also refers to discrimination, including harassment, against Jews on the basis of their “actual or perceived . . . shared ancestry or ethnic characteristics.”⁹ Such guidance firmly establishes Title VI’s applicability to antisemitism.

In addition to being the enduring view of OCR, the applicability of Title VI to antisemitism has been the shared position of both the Trump and Biden Administrations. On December 11, 2019, then-President Trump issued Executive Order 13899, which requires that Title VI be enforced “against prohibited forms of discrimination rooted in antisemitism” and to do so “*as vigorously as against all other forms of discrimination prohibited by Title VI.*”¹⁰ This position subsequently has been incorporated into current OCR policy guidance. Similarly, in May 2023, President Biden issued his U.S. National Strategy to Counter Antisemitism (the “National Antisemitism Strategy”), where he acknowledged that Jewish students on college campuses often face derision, ostracization, and discrimination for their real or perceived views on Israel.¹¹ He further defined such treatment as antisemitism: “When Jews are targeted because of their beliefs or their identity, when Israel is singled out because of anti-Jewish hatred, that is antisemitism.”¹²

⁷ See *The U.S. National Strategy to Counter Antisemitism*, The White House (May 2023), <https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf>, at p. 9.

⁸ See 42 U.S.C. § 2000d *et seq.*

⁹ The variety of relevant statements are cited *supra* note 5.

¹⁰ Exec. Order No. 13899, 84 FR 68779, *Combatting Anti-Semitism* (Dec. 11, 2019), <https://www.govinfo.gov/content/pkg/FR-2019-12-16/pdf/2019-27217.pdf>, at Section 1 (emphasis added).

¹¹ See *The U.S. National Strategy to Counter Antisemitism*, *supra* note 7, at 9, 11, 40.

¹² *Id.* at 9.

B. *Defining Antisemitism under Title VI*

Executive Order 13899 expressly commands executive departments and agencies to consider the IHRA Definition of antisemitism, as well as its accompanying examples, when determining what behaviors constitute antisemitism under Title VI. Indeed, incorporated in the IHRA Definition are a series of “Contemporary Examples of Antisemitism” that include, but are not limited to, the following:

1. Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
2. Denying the Jewish people their right to self-determination e.g., by claiming that the existence of a state of Israel is a racist endeavor.
3. Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective—such as the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions.
4. Holding Jews collectively responsible for the actions of the State of Israel.
5. Drawing comparisons of contemporary Israeli policy to that of the Nazis.
6. Denying Jews opportunities or services available to others.¹³

Anti-Semitic discrimination under Title VI may take many forms. In addition to the examples provided above, a federal funds recipient may also be in violation of Title VI if it fails to properly address a hostile environment stemming from harassment. A legally cognizable “hostile environment” results when, based on the totality of the circumstances, the harassment “is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity.”¹⁴ In such instances, Title VI requires any program or activity receiving federal financial assistance from the Department of Education to “take immediate and effective action to respond to harassment that creates a hostile environment.”¹⁵

A response that complies with Title VI is one that includes “prompt and effective steps reasonably calculated to end the harassment, [to] eliminate any hostile environment and its effects, and [to] prevent harassment from recurring.”¹⁶ Conversely, “a school violates Title VI when it fails to take adequate steps to address discriminatory harassment, such as antisemitic harassment.”¹⁷ In short, when a university knows of antisemitic incidents unfolding on its campus but fails to properly address such incidents, it has placed itself in violation of Title VI—and at risk of losing federal funding.

¹³ IHRA, *supra* note 8.

¹⁴ *Dear Colleague Letter Addressing Discrimination against Jewish Students*, *supra* note 5, at 2.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

III. Statement of Facts

Below are a series of incidents that illustrate the level of harassment that Jewish students have been suffering with little to no intervention from UMass-Amherst.

A. *Violent Attack at the Hillel Event*

On **November 3, 2023**, UMass-Amherst Senior Dylan Jacobs (our client here) attended the *Bring Them Home* solidarity event sponsored by UMass-Amherst Hillel (the “Hillel Event”) on the UMass-Amherst campus. Hillel is a Jewish campus organization with hundreds of chapters across the country. The purpose of the event was to honor the over 250 hostages taken by Hamas during the terrorist attack on October 7, 2023.

After a short walk around campus, event attendees approached the lawn next to the Student Union Building. There, Shabbat tables had been set up with an empty seat for each one of the hostages. While attendees gathered around the Shabbat tables, Efe Ercelik, a current student at UMass-Amherst, approached the group and began to give attendees the middle finger. Hillel staff members intervened to diffuse the situation, and Mr. Ercelik went inside the People’s Market, a café inside the Student Union Building that has a large window visible from the lawn where the event was being held. While at the People’s Market, Mr. Ercelik continued to give people the middle finger from the Student Union window.

After a brief period of time in the People’s Market, Mr. Ercelik exited the Student Union Building and returned to the Hillel Event. He approached Mr. Jacobs and his friend, Witness No. 1. Mr. Ercelik told Mr. Jacobs that Mr. Jacobs’ lips were chapped and said, “If you can’t eat pork, why are you walking around like a bunch of fat fucking pigs?” After Mr. Ercelik’s blatant anti-Semitic remarks, he also made a derogatory comment about Mr. Jacobs’ acne.

Mr. Ercelik left the event and returned to his perch in the Student Union Building while displaying a sign in the window reading “From the river to the sea” and another sign that eyewitnesses were unable to read. As the event wrapped up, Mr. Jacobs stayed behind to assist in cleaning up the area. At this time, Witness No. 1 and Mr. Jacobs approached a Hillel staff member, Witness No. 2, who was standing with Brad Siegelman, UMass-Amherst’s Director of Religious and Spiritual Life, a short distance away on the sidewalk next to the Student Union Building. While talking with Witnesses Nos. 1, 2, and Mr. Siegelman, Mr. Jacobs noticed Mr. Ercelik waving a Palestinian flag in the window of the Student Union Building. In response, Mr. Jacobs waved a small Israeli flag that had been distributed to participants at the solidarity event.

At that moment, Mr. Ercelik came charging out of the Student Union Building, yelling, “You think you’re so tough waving a flag, Zionist shitbag? Let’s see how tough you are when I’m out here! I’ll get you; you’ll see what happens!” Mr. Ercelik then punched Mr. Jacobs in the face three or four times. When Mr. Jacobs put up his hands up to protect his head, Mr. Ercelik ripped the Israeli flag from Mr. Jacobs’ hands. Mr. Ercelik then shoved Mr. Jacobs and kicked him. As Mr. Jacobs backed away from Mr. Ercelik, Mr. Jacobs bumped into Mr. Siegelman. Witness No. 2 intervened and put herself between Mr. Jacobs and Mr. Ercelik. During this time, Mr. Ercelik

continued kicking Mr. Jacobs, striking Witness No. 2 in the hand and the knee, leading to bruising in both areas.

Once Mr. Ercelik was separated from Mr. Jacobs, Mr. Ercelik said, “You only get tough when your friends show up?” Mr. Ercelik then returned to the window inside the Student Union Building, spitting on the Israeli flag he stole as he walked back. Mr. Ercelik then grabbed a large knife and returned to the same window in the Student Union Building and began stabbing the flag. He then threw the flag into a trash can. Police arrived shortly after and searched the surrounding areas for Mr. Ercelik, but officers were unable to locate him. Witnesses Nos. 1, 2, and Mr. Jacobs went to the University of Massachusetts Police Department to provide statements on the incident. Mr. Ercelik was arrested a few hours later.

Around 10 PM that evening, Gretchen LaBonte, Senior Associate Dean of Students at UMass-Amherst, contacted Mr. Jacobs, relaying to him that she had been “informed that [he was] impacted by an incident on campus this afternoon.” **See Exhibit A.**¹⁸ She continued, “In addition to UMass Police Department investigation, this matter will be reviewed by university processes. The other student involved in the incident is restricted from being present on university premises.” *Id.* at 1. She further stated that her “goal” in contacting Mr. Jacobs was to ensure that he knew “CCPH [Center for Counseling and Psychological Health] is available” should he “wish to speak with someone over the weekend.” *Id.* She then provided the contact information for CCPH.

On **November 5, 2023**, Shelly Perdomo-Ahmed, Interim Vice Chancellor for Student Affairs and Campus Life, and Tyrone Parham, Assistant Vice Chancellor and Chief of Police, issued an email to the UMass-Amherst community, sharing information on Mr. Jacobs’ assault and condemning it as “reprehensible, illegal, and unacceptable.” **See Exhibit B.** Notwithstanding that they had not checked in with Mr. Jacobs, Ms. Perdomo-Ahmed and Mr. Parham continued by noting that “[f]ortunately, the student who was assaulted was not injured.” The email went on, in an unusual fashion, to explain that “these were the actions of an individual who did not speak for nor act on behalf of a group or anyone other than themselves.” They then suggested that somehow punching a Jewish student might be associated with advocacy, so they declared, “Peaceful advocacy and protest must and will be protected on our campus.” UMass-Amherst then universalized the anti-Semitic hate crime committed against Mr. Jacobs by simultaneously condemning Islamophobia.

On **November 9, 2023**, Mari Castaneda, Dean of the Commonwealth Honors College, contacted Mr. Jacobs to share that she had been informed that Mr. Jacobs was the student attacked at the Hillel event. **See Exhibit C.** She stated how sorry she was that the attack had happened. “It is unacceptable and horrible, and I wanted to make sure you had support so that you can continue to be successful in your academic coursework and personal wellbeing.” *Id.* at 1.

Mr. Jacobs received no updates on disciplinary proceedings against his attacker for several weeks. On **November 20, 2023**, Mr. Jacobs called the Student Conduct and Community Standards Office (“SCCSO”) to inquire about the status of the case. No one was willing to speak with him. On **November 22, 2023**, he visited the SCCSO, where he was informed that the Office had no

¹⁸ Redactions that appear henceforth in the attached Exhibits are privileged attorney-client communications or attorney work product and one redaction to preserve Student A’s anonymity.

updates for him regarding any disciplinary proceedings against his attacker. Mr. Jacobs then received an email from Jonathan Connary, who currently serves as the Associate Dean of Students, as well as the Director of SCCSO. **See Exhibit D.** “I am the case administrator for this case and will provide updates to you as they become available. At this time, I do not have any additional updates to provide to you. The interim restrictions imposed on November 3, 2023 remain in effect until further notice.” Mr. Connary then included his contact information for Mr. Jacobs, should he have further questions about the “student conduct process.”

Two months passed with no updates from the SCCSO. Finally, Mr. Jacobs emailed Mr. Connary on **January 5, 2024**, inquiring about the status of his attacker’s case, and expressing concern that he had not received an update for two months. **See Exhibit E at 2-3.** Mr. Connary did not provide any updates. Instead, he instructed Mr. Jacobs to contact the UMass Police Department if he had safety concerns. *Id.* at 1. At no point did anyone on staff at UMASS explain to Mr. Jacob’s any extra security and/or safety measures that the University was taking to ensure that his attacker did not return to campus.

On **February 15, 2024**, Mr. Jacobs received an email from Mr. Connary. **See Exhibit F at 2.** The email made no recognition of the fact that Mr. Jacobs had been communicating with Mr. Connary regarding the status of his case for several months. Instead, it stated that the SCCSO had “received a student conduct referral regarding an incident that occurred on or about November 03, 2023 involving Efe Ercelik” and that Mr. Jacobs had “been identified as someone with information regarding this incident.” *Id.* Mr. Connary explained, “It is my expectation you call to schedule a meeting with me to discuss your knowledge/perspective of the reported incident. During the meeting, we will discuss the conduct process, your rights and responsibilities, and you will have an opportunity to share information regarding the incident under review.” *Id.* Mr. Connary also instructed Mr. Jacobs to “avoid discussing the matter with others.” *Id.*

On **February 21, 2024**, Mr. Jacobs and an ADL attorney met with Mr. Connary, who informed them that the case would be sent to a hearing board because the facts of the incident were disputed. Mr. Connary shared with Mr. Jacobs that the appearance before the hearing board would happen “soon,” since there were no other conduct cases being sent to a hearing board at that time.

Over a month passed. On **March 25, 2024**, Mr. Jacobs received notification that a University Hearing Board would be conducting a hearing related to his attack on April 19, 2024. **See Exhibit G.** On **March 27, 2024**, Mr. Jacobs met with William Elum, the hearing board administrator overseeing the case against Mr. Jacobs’ attacker. At that meeting, Mr. Elum informed Mr. Jacobs of the procedures associated with such a hearing. That day, Mr. Jacobs sent a follow-up email to Mr. Elum clarifying several questions related to the hearing, such as which materials related to the case were in the Administration’s possession and which portion of the Code of Conduct permits Mr. Jacobs to have only one advisor present for the hearing. **See Exhibit H at 2-3.** Mr. Jacobs also expressed his concern over UMass-Amherst’s nondisclosure of the members of the Board partaking in the Board Hearing. *Id.* On **April 11, 2024**, Mr. Jacobs received a response from Mr. Connary explaining that it was “practice” not to disclose the members of the Board prior to the hearing, that the prohibition against additional advisors is in the Code of Student Conduct, and that the case materials would be shared closer to the hearing (despite the fact that the hearing was only eight days away). *Id.* at 1.

On **March 29, 2024**, Ryan Morse, Director of the University of Massachusetts Equal Opportunity and Access Office – Title IX (“EOA”), emailed Mr. Jacobs to inform him that he was now subject to a non-punitive No-Contact Directive. **See Exhibit I**. Mr. Morse explained that the EOA issues such directives “in order to eliminate or reduce direct or indirect physical and non-physical contact between individuals who have been provided with No Contact and/or Proximity Restrictions from the University.” *Id.* at 1. Mr. Jacobs was informed that he “must immediately refrain from contacting any member of the Students for Justice for Palestine [SJP], including but not limited to [REDACTED] until otherwise notified by EOA,” which includes physical, written, verbal, or electronic contact. He was then instructed that he “must remain at least twenty (20) yards from and refrain from any method of contact (in-person or virtual) with members of the SJP, including but not limited to any of the above-named individuals.” *Id.* at 1-2. The following warning appeared in bold in the letter: “**Any action deemed to be in violation of this directive will be taken seriously and may result in a conduct proceeding per the Code of Student Conduct or another applicable University policy and procedure.**” *Id.* at 2. Upon information and knowledge, only three of the SJP members received a mutual no-contact directive, meaning Mr. Jacobs must stay away from the remaining members of SJP, but the remaining members could very well approach Mr. Jacobs. This could effectively create a situation that puts Mr. Jacobs in violation of the no-contact directive through no fault or action of his own. The same punishment would not exist for the SJP students since bizarrely, they have not been subjected to the no contact order. No additional basis was provided for the issuance of the no contact directive, and no SJP membership list was provided to Mr. Jacobs to give him notice of exactly from whom he was expected to keep a distance.

On **April 19, 2024**, SCCSO finally held a hearing concerning the November 3rd anti-Semitic physical assault endured by Mr. Jacobs. At that hearing, despite multiple witnesses of the attack, and both a fellow student and Hillel staffer testifying to the assault, Mr. Ercelik denied assaulting Mr. Jacobs. To add insult to injury, he also denied that he stated things that were anti-Semitic. During the hearing, in his statements, Mr. Ercelik continued to state things such as, “these are the people that are celebrating death,” and while also denying that he called Mr. Jacobs a “Zionist shitbag,” he stated that the word Zionism has “no importance,” and is a “political ideology.” Rather than show any remorse, he stated that Mr. Jacobs, and both eyewitnesses were “lying.” When asked directly by a member of the Board why they would be lying, he stated that they were “politically motivated,” and “his Hillel friends had shared motivation.” Then, to distract from his own illegal actions, Mr. Ercelik attempted to weaponize the no-contact order mentioned above. Despite direct eyewitness testimony, there is still an undisclosed period before Mr. Jacobs will hear of any final determination.

A. Concurrent Criminal Proceedings Related to the Attack at the Hillel Event

Following his arrest for the violent attack at the Hillel Event, on **November 6, 2023**, Mr. Ercelik was charged with (1) Assault & Battery with a Dangerous Weapon (two counts); (2) Assault & Battery; (3) Larceny from a Person; (4) Vandalism; (5) Assault & Battery to Intimidate; and (6) Disorderly conduct. **See Exhibit J**. He was subsequently arraigned that day, while Ms. Weber added herself as private counsel for Mr. Ercelik. Mr. Ercelik pleaded not guilty to all charges. Mr. Ercelik was then released on the condition that he not set foot on UMass-Amherst’s campus, conditions that were affirmed on **November 17**.

On **January 9, 2024**, Mr. Ercelik filed a motion for continuance to postpone his motion to dismiss hearing from January 16 to February 12. The court granted the motion. Mr. Ercelik filed another continuance, seeking to reschedule the motion to dismiss the hearing from February 12 to March 12. On **March 7**, Mr. Ercelik filed his motion to dismiss, seeking to have one charge dismissed. He then sought again to delay the hearing from March 12 to March 29. Following the hearing on **March 29**, the court denied Mr. Ercelik’s motion to dismiss on **April 2**, finding that probable cause had been established that Mr. Ercelik had committed the offense of Assault and Battery to Intimidate. *See Exhibit K at 2*. The pretrial session is scheduled for May 29, 2024.

B. Other Anti-Semitic Incidents on Campus

UMass-Amherst has permitted numerous anti-Semitic incidents to occur on campus with impunity. While we do have not information demonstrating that all the incidents were reported, they all are widely known on campus, and speak to the climate of anti-Semitic harassment that has become commonplace at UMass-Amherst. For instance:

On **November 9, 2023**, members of the group UMass Dissenters, UMass SJP, and hundreds of students picketed outside the Whitmore Building on the UMass-Amherst campus. In doing so, the protesters did not allow for anyone to enter or exit, thereby disrupting students’ ability to attend class, work, study, or conduct business as usual. This incident was reported on December 12, 2023, to the EOA, with an intake meeting following on December 19, 2023. No known disciplinary actions were taken. A similar incident occurred the next week on **November 16, 2023**, in which protesters once again blocked the main entrance and exit. The incident was not reported. Nonetheless, these actions restricting access to public buildings are in violation of Massachusetts laws.

On **November 15, 2023**, UMass-Amherst students, encouraged by UMass Dissenters and UMass SJP (as revealed on each’s respective Instagram accounts), disrupted a closed Student Alumni Association event in order to protest Israel, spreading the false allegation that Israel is committing genocide.

Later that week, on **December 6, 2023**, the UMass Dissenters staged a protest indoors, chanting such phrases as “From the river, to the sea, Palestine will be free!”; “Intifada, intifada!”; “There is only one solution!”; and “How many kids will you kill today?” The protesters passed through the Student Union Building, blocking the Campus Center. They eventually took over the food court in the Campus Center known as the “Blue Wall” and held a “die-in.” These activities, combined with calls for violence against Jews, disrupted peoples’ ability to work, conduct business, and made students feel unsafe on campus. The incident was reported to the EOA on December 6, 2023. The EOA conducted an intake meeting on December 19, 2023. No known disciplinary actions were taken.

Over the course of several days from **December 6 to December 9, 2023**, a Jewish UMass-Amherst student, who wishes to remain anonymous, Student A, was harassed in a group chat by three other UMass-Amherst students—Student 1, Student 2, and Student 3. Student A was targeted with homophobic and antisemitic rhetoric. The incident was reported to EOA. Student 2’s harassment of Jewish students more generally became so bad that his account was banned from

the UMass public story pages and a subpoena was issued by the UMass Police Department. He used such phrases as the following: “It’s not ur land u fucking plebby ratty bastard;” “Tbh that filter makes your nose look smaller u little Jew crybaby bitch boy;” “Zionism advocates for all Jews to have big noses;” “fat pussy Jew bitch;” “Ur not famous u fat nerd pig fucker;” “Fuck u [REDACTED] u big fat nerd I got kicked off of the umass story because of you;” “Top Israeli secret documents show they have big noses;” “Sometimes when I take really fat shits there’s not enough toilet roll to wipe my ass so I have to use the Israeli flag.” **See Exhibit L.**

On **December 13, 2023**, members of UMass Dissenters disrupted students studying for final exams by attempting to hold a community meeting at the Student Union Building with UMass-Amherst’s Chancellor. When the Chancellor refused to meet with them publicly, the UMass Dissenters proceeded to hold their meeting anyway to the detriment of students attempting to prepare for exams.

IV. Evaluating UMass-Amherst’s Compliance with Title VI

UMass-Amherst’s failure to respond to these and other incidents demonstrates the hostile environment on campus, which Title VI was intended to guard against.

Many of the listed incidents also violate UMass-Amherst’s Code of Conduct. For instance, the attack on Mr. Jacobs clearly constitutes a physical assault in violation of UMass-Amherst’s Code of Conduct 4.1.2.1, which forbids physical assault. Meanwhile, the genocidal chants of various UMass student protesters, as well as many of the Instagram posts, violate UMass-Amherst’s harassment policy, UMass-Amherst’s Code of Conduct 4.1.2.1, which forbids “repeated or pervasive use of written, verbal, or electronic expression or physical act(s) or gestures, or any combination thereof, directed at a person that places that person in reasonable fear for their physical safety or interferes with the ability of a person to work, learn, live, participate in, or benefit from the services, activities, or privileges protected by the University.” Similarly, these protests likely also violate UMass-Amherst’s policy on Disruptive Conduct, UMass-Amherst’s Code of Conduct 4.1.3, which forbids “creating a disturbance,” defined as a “[a] willful disruption or disturbance of the day-to-day operations of the academic or administrative business of the University.” “Disruptive Behavior,” also prohibited, is defined as “[c]onduct that disrupts the academic and social environment of the campus or surrounding areas. Examples include, but are not limited to, disorderly conduct, . . . disturbing the peace, [and] noise disturbances on or off campus.” *See* UMass-Amherst’s Code of Conduct 4.1.3.

A. Violent Attack at the Hillel Event

It has been nearly six months since Mr. Jacobs was violently attacked by a fellow UMass-Amherst student at the Hillel Event, an attack corroborated by multiple eyewitnesses. Short of a single hearing two weeks ago and assurances that Mr. Ercelik is not permitted on campus in the interim, UMass-Amherst’s Administration has taken no action to properly address the anti-Semitic violence in which Mr. Ercelik engaged. The word “assurances” is used here because despite statements from the Administration cited above, UMass-Amherst has over 20,000 students, and many of the buildings are accessible during the day without an access card. The Administration

has not cited a single enforcement mechanism being utilized to ensure that Mr. Ercelik is not, in fact, present on campus.

UMass-Amherst would not have had to detail whether such enforcement mechanisms exist had it properly disciplined Mr. Jacobs' attacker shortly after the incident. Instead, over the course of six months, the Administration dragged its feet, ignored requests from Mr. Jacobs to investigate the matter, and shuffled Mr. Jacobs from administrator to administrator. By cloaking its inadequate actions in several generic emails, UMass-Amherst expressed its very knowledge of the situation, making its inaction even more obvious. Adding insult to injury, the Administration proceeded to place an improper, one-sided, legally impermissible no-contact directive on Mr. Jacobs. They failed to provide him with any information regarding the basis of said no-contact directive and effectively established a potentially dangerous dynamic that places Mr. Jacobs at the mercy of a group of students utilizing the order as a sword, rather than a shield, as it is intended to be. It would be hard to crystallize a better example of "deliberate indifference" on behalf of the administration, than the one detailed here.

As a consequence of UMass-Amherst's inaction, Mr. Jacobs has not felt safe on campus since his attack nearly six months ago because he has not been provided with any real assurances that his attacker is not, in fact, on campus and possibly seeking retribution. The University has provided zero concrete details on any additional security, and the only statement that was made to Mr. Jacobs is that if he feels unsafe, he can call UMASS Police. Furthermore, Mr. Jacobs has lost faith in the ability UMass-Amherst Administration's to keep Jewish students safe, knowing that fellow students may publicly punch several Jewish students and not face a single swift consequence from the Administration.

B. Other Incidents

The purpose in sharing the other incidents described above is to illustrate the degree to which antisemitism has been normalized among students both on campus and by UMASS's own students and UMASS student groups on social media. And yet the UMass-Amherst Administration has done little to nothing to stop the normalization of antisemitism on its campus. The environment of anti-Semitic harassment that has continued to fester at UMass-Amherst indicates the strong need for oversight and intervention from the U.S. Department of Education. It is crucial that all students feel safe in their places of study, regardless of their ethnic identity. It is hard to imagine Jewish students feeling comfortable expressing their connection to Judaism and Jewish history—a part of which is Israel—without fearing harassment from their fellow students. The current environment at UMass-Amherst is simply untenable.

V. Suggested Remedies

Given UMass-Amherst's deliberate indifference to antisemitic harassment, we respectfully request that OCR require UMass-Amherst to engage in the following measures to come into compliance with Title VI:

1. Educate the UMass-Amherst community on the various iterations of antisemitism, including those that involve hatred of the Jewish people's ancestral connection to Israel.

- In doing so, UMass-Amherst should: (i) incorporate the IHRA working definition of antisemitism, including its guiding examples, into its campus policies concerning discrimination; (ii) educate the University community regarding the anti-Semitic character of genocidal chants such as “From the river to the sea!,” “Intifada!,” “Globalize the intifada!”; and (iii) provide mandatory antisemitism training to UMass-Amherst administrators, faculty, students, and staff that incorporates information on modern variations of antisemitism.
2. UMass-Amherst should establish an Antisemitism Taskforce consisting of members of UMass-Amherst’s Jewish community, spanning across the faculty, staff, student body, and law enforcement. In doing so, the Administration should seek to create channels of dialogue between itself and the UMass-Amherst Jewish community, so that various incidents, such as the ones described above, do not go unaddressed for months.
 3. UMass-Amherst’s Administration should release a statement asserting that Jewish students have a right to express their identification with Judaism, Jewish heritage and culture, and Israel freely on campus without fear of harassment, discrimination, or intimidation. In issuing such a statement, UMass-Amherst should further reiterate that the college will sanction those who harass and discriminate against Jewish students for their Jewish faith and identity, which may include having an ancestral and ethnic connection to Israel.
 4. UMass-Amherst should continue to signal its public opposition to the Boycott, Divest, Sanction movement that calls for the economic, social, and intellectual isolation of Israel and its people, which includes half of the world’s Jewish population. UMass-Amherst should further communicate that the school does not have the authority to engage in foreign relations on behalf of the state of Massachusetts.
 5. UMass-Amherst should commission an independent review of its policies and procedures regarding antisemitism to evaluate to what degree the climate of antisemitism has festered at UMass-Amherst. This evaluation should include an audit of coursework that may promulgate eliminationist rhetoric and conspiracy theories. Following such a review, UMass-Amherst should work with a consultant to devise a series of recommendations to be shared with the broader UMass-Amherst Jewish community—including the Brandeis Center and ADL—and, when permitted by confidentiality restrictions, make the consultant’s recommendations publicly available. Recommendations adopted are not to be understood as a replacement for the suggested remedies listed here.

VI. Request for Section 201(a) Mediation

The Complainant requests mediation pursuant to Section 201(a) of OCR's Case Processing Manual.

VII. Conclusion

For the reasons stated above, we urge OCR to initiate an investigation of UMass-Amherst for failing to comply with Title VI and its accompanying regulations and request OCR grant mediation in relation to the Complaint.

Respectfully Submitted,



James Pasch
Senior Director
National Litigation
ADL



Rachel Grinspan
Associate General Counsel
ADL



Denise Katz-Prober
Director of Legal Initiatives
The Louis D. Brandeis Center
For Human Rights Under Law



Jason Torchinsky
Partner
Holtzman Vogel Baran Torchinsky
& Josefiak PLLC



Erielle Davidson
Associate
Holtzman Vogel Baran Torchinsky
& Josefiak PLLC



Douglas S. Brooks
Partner
Libby Hoopes Brooks & Mulvey, P.C.

Exhibit A

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
From: <glabonte@umass.edu>
Date: Fri, Nov 3, 2023 at 9:53 PM
Subject: Dean of Students Office Outreach
[REDACTED]



227 Whitmore Administration Building
[181 Presidents Drive](#)
[Amherst, MA 01003-9313](#)
Voice: 413.545.2684

November 03, 2023

Dylan Jacobs
[REDACTED]

Dear Dylan,

I was informed that you were impacted by an incident on campus this afternoon. In addition to UMass Police Department investigation, this matter will be reviewed by university processes. The other student involved in the incident is restricted from being present on university premises.

My goal in reaching out to you this evening is to ensure you know that CCPH is available to you should you wish to speak with someone over the weekend:

[Center for Counseling and Psychological Health \(CCPH\)](#)
413-545-2337
CCPH's main phone line (413) 545-2337 also includes 24/7 crisis support.

Staff from the Dean of Students Office will be in touch with you during the week to determine what

additional supports you may need. I will be monitoring my email over the weekend; please be in touch if there's something you may need.

Sincerely,

Gretchen LaBonte
Senior Associate Dean of Students
Dean of Students Office

Exhibit B

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: **Shelly Perdomo-Ahmed and Tyrone Parham** <sacl@email.umass.edu>

Date: Sun, Nov 5, 2023 at 6:01 PM

Subject: A Message from Student Affairs and Campus Police Leadership

[REDACTED]

To view this email as a web page go [here](#).

November 5, 2023



Dear UMass Amherst Community,

We are writing today to share information on a deeply disturbing incident that occurred at the conclusion of an otherwise peaceful event on campus on Friday.

UMass Hillel organized “Bring Them Home: Solidarity Walk and Installation,” which featured a Shabbat table set with empty seats representing each of the 240 hostages taken during Hamas’ October 7 attack in Israel. As the gathering was concluding, an individual approached participants and made aggressive and rude gestures. Later, this person returned, assaulted a student who was holding an Israeli flag, and proceeded to steal and spit on the flag. Fortunately, the student who was assaulted was not injured.

UMass Police investigated and arrested a suspect, identified as a UMass Amherst student, that night. The individual was released on bail, with conditions prohibiting them from returning to campus. The student will be subject to the legal consequences of their actions as well as the Student Code of Conduct.

What this student is accused of is reprehensible, illegal, and unacceptable. Let us be clear, these were the actions of an individual who did not speak for nor act on behalf of a group or anyone other than themselves. Peaceful advocacy and protest must and will be protected on our campus.

Since October 7, faculty and students have held film screenings, lectures and demonstrations meant to bring perspective to one of the most complex and polarizing conflicts of our time. Let us take the opportunity to support one another and our community through this incredibly challenging time.

Antisemitism, Islamophobia, or any form of bigotry have no place in our community, and we are committed to ensuring that our community’s engagement with opposing viewpoints is maintained in a respectful manner.

While there are no indications of any credible threats to the UMass community, UMass Police continue to be vigilant in ensuring the safety of our campus and our students. If you have concerns about safety, contact UMPD at 413-545-3111, or 911 in an emergency. Support is also available 24 hours a day, 7 days a week, through the Center for Counseling and Psychological Health at 413-545-2337.

Sincerely,

Shelly Perdomo-Ahmed
Interim Vice Chancellor for Student Affairs and Campus Life

Tyrone Parham
Assistant Vice Chancellor and Chief of Police



© 2023 [University of Massachusetts Amherst](#) | Amherst, MA 01003

This email was sent by: University of Massachusetts Amherst
[181 Presidents Dr, Amherst, MA, 01003 USA](#)

We respect your right to privacy - [view our policy](#)

Exhibit C

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
From: **Mari Castaneda** <mari@comm.umass.edu>
Date: Thu, Nov 9, 2023 at 10:12 AM
Subject: Checking In - from CHC Dean
[REDACTED]

Dear Dylan,

I wanted to reach out to you to check in since I was just informed that you were the student that was attacked in this past weekend's peaceful event at Hillel.

I am so sorry that this happened to you. It is unacceptable and horrible, and I wanted to make sure you had support so that you can continue to be successful in your academic coursework and personal wellbeing.

Please do not hesitate to reach out. We're here for you.

Warmly, Dean Castañeda

Mari Castañeda, PhD

Dean, Commonwealth Honors College

Professor, Department of Communication

University of Massachusetts Amherst

umass.edu/honors/

Exhibit D

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
From: <jconnary@umass.edu>
Date: Wed, Nov 22, 2023 at 4:33 PM
Subject: Follow Up
[REDACTED]



227 Whitmore Administration Building
[181 Presidents Drive](#)
[Amherst, MA 01003-9313](#)
Voice: 413.545.6281
Fax: 413.545.9704

November 22, 2023

Hello Dylan,

I have been informed that you called and stopped by the Student Conduct and Community Standards Office earlier this week inquiring about the status of the student conduct case involving Efe Ercelik. As Dean Cardoso-Erase informed you, a student conduct process was initiated on November 3, 2023. I am the case administrator for this case and will provide updates to you as they become available. At this time, I do not have any additional updates to provide to you. The interim restrictions imposed on November 3, 2023 remain in effect until further notice.

Should you have any questions about the student conduct process do not hesitate to contact me via this email or by calling 413-545-6281.

Sincerely,

Jonathan Connary
Associate Dean of Students & Director of Student Conduct and Community Standards

Exhibit E

[REDACTED]

[REDACTED]

[REDACTED]
From: **Jonathan Connary** <jconnary@umass.edu>
Date: Mon, Jan 8, 2024 at 2:57 PM
Subject: RE: Follow Up

[REDACTED]

Hello Dylan,

Confirming receipt of your email. The student conduct investigation remains on going and I will be in communication once I have an update to share. I understand the timeline of the investigation is not what you had hoped for, but I want to assure you that the case is being processed in accordance with the Code of Student Conduct.

I would encourage you to connect with the University of Massachusetts Police Department regarding any safety concerns. They can be reached at 413-545-2121.

If you need assistance navigating your academics and/or university resources, please let me know and I can connect with you a staff member in the Dean of Students Office.

Sincerely,

Jonathan E. Connary, M.Ed

Associate Dean of Students & Director of Student Conduct and Community Standards

Dean of Students Office / Student Conduct and Community Standards Office
University of Massachusetts Amherst

227 Whitmore Administration Building
Voice: 413.545.2684 /413.545.6281

Fax: 413.545.9704

UMassAmherst

Student Conduct and Community Standards

I do not maintain 24-hour access to e-mail. If this is an emergency, dial local police at 911 or UMPD at 413-545-2121. This email message, including all attachments, may contain information that is confidential, proprietary, privileged or otherwise protected by law. It is to be viewed only by the intended recipient(s). If you are not intended recipient(s), please notify the sender of this information and delete your copy at once. Your cooperation is appreciated.

[REDACTED]
Sent: Friday, January 5, 2024 8:56 AM
To: Jonathan Connary <jconnary@umass.edu>
Subject: Re: Follow Up

You don't often get email from [REDACTED]

Good morning Jonathan,

I hope you're doing well and happy new year!

I'm concerned that I haven't received any update on this case. It has been over two months since the incident occurred and I do not feel that it should take this long to complete a conduct proceeding, nor do I think conduct proceedings have taken this long in similar circumstances. I also don't think that victims have been excluded from the conduct process in similar cases.

I do not feel safe coming back to campus in the spring while this is left unresolved. It seems to me the university is intentionally moving slowly with the conduct case against my assaulter. I don't know for sure why this is the case, and I hope that there is a legitimate explanation for it.

Please let me know what is being done to resolve this case before the spring semester begins.

Thank you.

Dylan Jacobs

On Wed, Nov 22, 2023 at 4:33 PM <jconnary@umass.edu> wrote:



227 Whitmore Administration Building
[181 Presidents Drive](#)
[Amherst, MA 01003-9313](#)
Voice: 413.545.6281
Fax: 413.545.9704

November 22, 2023

Hello Dylan,

I have been informed that you called and stopped by the Student Conduct and Community Standards Office earlier this week inquiring about the status of the student conduct case involving Efe Ercelik. As Dean Cardoso-Erase informed you, a student conduct process was initiated on November 3, 2023. I am the case administrator for this case and will provide updates to you as they become available. At this time, I do not have any additional updates to provide to you. The interim restrictions imposed on November 3, 2023 remain in effect until further notice.

Should you have any questions about the student conduct process do not hesitate to contact me via this email or by calling 413-545-6281.

Sincerely,

Jonathan Connary
Associate Dean of Students & Director of Student Conduct and Community Standards
Student Conduct and Community Standards Office

Exhibit F

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: <jconnary@umass.edu>

Date: Thu, Feb 15, 2024 at 2:41 PM

Subject: Student Conduct and Community Standards Outreach

[REDACTED]



227 Whitmore Administration Building
[181 Presidents Drive](#)
[Amherst, MA 01003-9313](#)
Voice: 413.545.6281
Fax: 413.545.9704

February 15, 2024

Dylan Jacobs
[REDACTED]



Hello Dylan,

The Student Conduct and Community Standards Office received a student conduct referral regarding an incident that occurred on or about November 03, 2023 involving Efe Ercelik. You have been identified as someone with information regarding this incident.

It is my expectation you call to schedule a meeting with me to discuss your knowledge/perspective of the reported incident. During the meeting, we will discuss the conduct process, your rights and responsibilities, and you will have an opportunity to share information regarding the incident under review. To schedule your meeting, call the Student Conduct and Community Standards Office at 413-545-6281.

In an effort to protect the privacy of the aforementioned students and the integrity of the investigation, I ask that you avoid discussing the matter with others.

Do not hesitate to contact me if you have any questions or concerns. I can be reached via this email or by phone at 413-545-6281.

Sincerely,

Jonathan Connary
Associate Dean of Students & Director of Student Conduct and Community Standards
Student Conduct and Community Standards Office

Exhibit G

University Hearing Board Notification

March 25, 2024

From: **Student Conduct and Community Standards Office**

To: Dylan Jacobs

Your presence is requested at a University Hearing Board scheduled for:

Date/Time: Friday, April 19, 2024 at 1:15pm

[REDACTED]

The hearing is scheduled to review the following case(s):

Case Number(s): [REDACTED]

Incident Date: November 03, 2023

Respondent: Efe Ercelik

Others Involved: [REDACTED]

Policies Under Review:

- 2023-24|Code of Student Conduct/4.1.2.1.a - Physical Assault,
- 2023-24|Code of Student Conduct/4.1.2.1.b - Threatening Behavior,
- 2023-24|Code of Student Conduct/4.1.2.1.c - Harassment,
- 2023-24|Code of Student Conduct/4.1.2.1.d - Reckless Behavior,
- 2023-24|Code of Student Conduct/4.1.2.1.e - Weapons and/or Dangerous Materials,
- 2023-24|Code of Student Conduct/4.1.3.c - Disruptive Behavior,
- 2023-24|Code of Student Conduct/4.1.5.a - Theft/Damage to Property,
- 2023-24|Code of Student Conduct/4.1.8.a - Violation of University Policies and Regulations ([Policy Against Discrimination, Harassment, and Related Interpersonal Violence](#) - Harassment)

Summary of Information Received: *On or about November 3, 2023, at approximately 3:57PM, Efe Ercelik punched an individual in the face followed by a shove and a kick in the stomach. Efe's foot struck a second individual who was trying to intervene. Efe then took possession of an Israeli flag that the first individual was holding. Efe then walked into the Student Union building marketplace area and proceeded to rip, break, spit on and stab the flag with a chef's knife before discarding it in the trash. Prior to the altercation, Efe acted in an aggressive manner towards the group using slurs and making statements such as, "you think you're so tough waving a flag, Zionist shitbag, let's see how tough you are when I'm out here! I'll get you; you'll see that happens." Efe was subsequently arrested by University of Massachusetts Police.*

Should you have any questions or concerns about the hearing or if would like to schedule a pre-hearing meeting to review the hearing procedures, contact the Student Conduct and Community Standards Office at 413-545-6281 or click the link below to schedule a meeting:

[Click to Schedule](#)

A list of your rights and responsibilities can be found in the [Code of Student Conduct](#), Section 3. Enclosed are the University Hearing Board Procedures.

You are cautioned to avoid any action which could be interpreted as an attempt to intimidate or otherwise influence anyone connected with the incident, as such action could constitute a further violation of the Code of Student Conduct. This includes, but is not limited to comments, words, or gestures in person, through postal mail, email, text, instant messaging, social networking sites, or by having others (e.g., friends, acquaintances, or family members) act on your behalf.

Should you have any questions or concerns about the hearing or if would like to schedule a pre-hearing meeting to review the hearing procedures and information the board will review, contact the Students Conduct and Community Standards Office at 413-545-6281.

The following are campus resources available to students navigating the student conduct process:

- **Center for Counseling and Psychological Health (CCPH)**
Middlesex House
Website: <http://www.umass.edu/counseling/>
Phone: 413-545-2337
Emergency on-call services, 24 hours a day, 7 days a week.
- **Center for Women and Community (CWC)**
New Africa House
Website: <http://www.umass.edu/ewc/>
Phone: 413-545-0883
24-Hour Hotline: 413-545-0800
Toll Free Phone: 888-337-0800
- **Conduct Advisors Program**
305 Student Union
Website: <https://www.umass.edu/sga/conduct-advisors/>
Email: sgaconductadvisors@umass.edu
- **Disability Services**
161 Whitmore
Website: <http://www.umass.edu/disability/>
Phone: 413-545-0892
If you need accommodations to participate in the student conduct process, contact Disability Services to discuss the accommodations you may need.
- **International Programs Office (IPO)**
70 Butterfield Terrace
Website: <http://www.umass.edu/ipo/>

Phone: 413-545-2710

If you have questions or concerns regarding the impact of a student conduct outcome on your visa, contact the International Programs Office. Students scheduled to study abroad are encouraged to contact IPO, as a conduct outcome may impact eligibility.

- **The Equal Opportunity & Access Office (EOA)**
225 Bartlett Hall
Website: <https://www.umass.edu/equalopportunity/>
Phone: 413-545-3464
- **Student Legal Services Office**
922 Campus Center
Website: <http://www.umass.edu/rso/slso/>
Phone: 413-545-1995

William Elum
Assistant Dean of Students for Student Conduct and Community Standards
Student Conduct and Community Standards Office

Enclosed:
[University Hearing Board Procedures](#)

Exhibit H

[REDACTED]

[REDACTED]

[REDACTED]
From: **Jonathan Connary** <jconnary@umass.edu>
Date: Thu, Apr 11, 2024 at 9:10 AM
Subject: Re: Student Conduct Communication-follow up to questions
[REDACTED]
Cc: William Elum <welum@umass.edu>, Javier Reyes <jareyes@umass.edu>, Patricia Cardoso-Erase <pcardoso@umass.edu>

Hello Dylan,

I am writing to follow up on an email you sent to Dean Elum on March 27, 2024 regarding the upcoming University Hearing Board scheduled for April 19, 2024 at 1:15 PM. Dean Elum is away this week and I want to ensure you receive a response in advance of the hearing date.

It is the Student Conduct and Community Standards Office practice to not provide the names of board members in advance of the hearing.

As outlined in the Code of Student Conduct, Section 3.2.b, all Respondents, Reporting Parties, and Witnesses in the conduct process have the right "to have **an** Advisor, as defined in the Code, present during any conduct proceeding." Section 2.12.b describes the role of an advisor in the student conduct process. In preparation for the hearing, both you and others involved have requested to have more than one advisor present for the hearing. In consultation with Dean Elum, you will be allowed one advisor and one additional support person present for the hearing. As a reminder, advisors may only act in an advisory capacity and may not represent the person or otherwise speak on behalf of the person in any meetings or hearings (Code of Student Conduct, Section 2.12.b).

The documents associated with the case, that constitute the hearing board file, will be made available to you via a shared One Drive file by the end of the week.

Dean Elum will be back in the office next week. Should you have any additional questions or concerns, please contact Dean Elum directly at welum@umass.edu.

Sincerely,

Jonathan E. Connary, M.Ed

Associate Dean of Students & Director of Student Conduct and Community Standards
Dean of Students Office / Student Conduct and Community Standards Office
University of Massachusetts Amherst
227 Whitmore Administration Building
Voice: 413.545.2684 /413.545.6281
Fax: 413.545.9704

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Student Conduct
and Community Standards

I do not maintain 24-hour access to e-mail. If this is an emergency, dial local police at 911 or UMPD at 413-545-2121. This email message, including all attachments, may contain information that is confidential, proprietary, privileged or otherwise protected by law. It is to be viewed only by the intended recipient(s). If you are not intended recipient(s), please notify the sender of this information and delete your copy at once. Your cooperation is appreciated.

Sent: Wednesday, March 27, 2024 5:44 PM
To: William Elum <welum@umass.edu>
Cc: Jonathan Connary <jconnary@umass.edu>; Javier Reyes <jareyes@umass.edu>; Patricia Cardoso-Erase <pcardoso@umass.edu>
Subject: Re: Student Conduct Communication-follow up to questions

You don't often get email from [REDACTED]

Good afternoon William,

Thank you for meeting with me today. I'm disappointed that you're unwilling to disclose the members of the hearing board. I agree that members of the hearing board should be impartial, and I'm very concerned that nothing is being done to ensure that the hearing board members are impartial. During our meeting today you told me that there is no vetting done by the university for conflicts of interest - this is deeply troubling.

I don't see anywhere in the University Hearing Board procedures or the Code of Conduct that I am only allowed one advisor for the hearing. Can you point out to me where this is in the code of conduct? If it is not in there, I intend to have my legal team present as well as any other advisors of my choosing. The attempt to restrict the number of advisors to an assault victim is

outrageous. Is it actually university policy to treat assault victims this poorly?

Can you please send me all of the materials associated with this case? Since questions must be submitted in advance of the hearing, I'll need access to all of the relevant information.

What is the university policy on distributing information associated with this case to the media? This case should not have taken months just to get to a hearing board. It is obvious that the university is stalling as much as possible to protect my attacker and delay the case, and I will do everything I can to hold the people responsible for this accountable.

On Wed, Mar 27, 2024 at 5:20 PM <welum@umass.edu> wrote:



227 Whitmore Administration Building
181 Presidents Drive
Amherst, MA 01003-9313
Voice: 413.545.6281
Fax: 413.545.9704

March 27, 2024



Dylan,

I am following up to our meeting on March 27, 2024. Please see responses to the questions you had below:

We do not disclose members of the hearing board in advance of the hearing. As outlined in the [Code of Student Conduct](#) (Section 5.2.3.a) "Member(s) of the University Hearing Board shall be impartial".

You asked if evidence from court could be submitted as additional information. Please submit any relevant information for review to Associate Dean Jonathan Connary via email at jconnary@umass.edu by Friday, April 5, 2024.

During your meeting, you mentioned you will have advisor(s) present. You will be allowed an (1) advisor for the hearing.

If there are additional questions, let me know.

Sincerely,

William Elum
Assistant Dean of Students for Student Conduct and Community Standards
Student Conduct and Community Standards Office

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Dylan Jacobs

[REDACTED]

[REDACTED]

Exhibit I

[REDACTED]

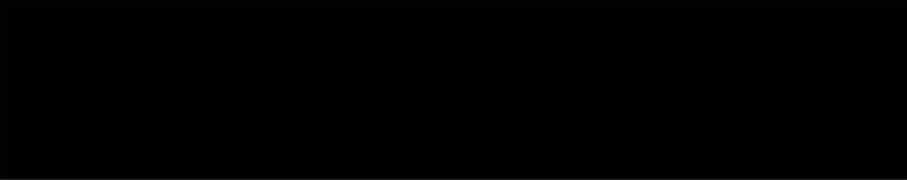
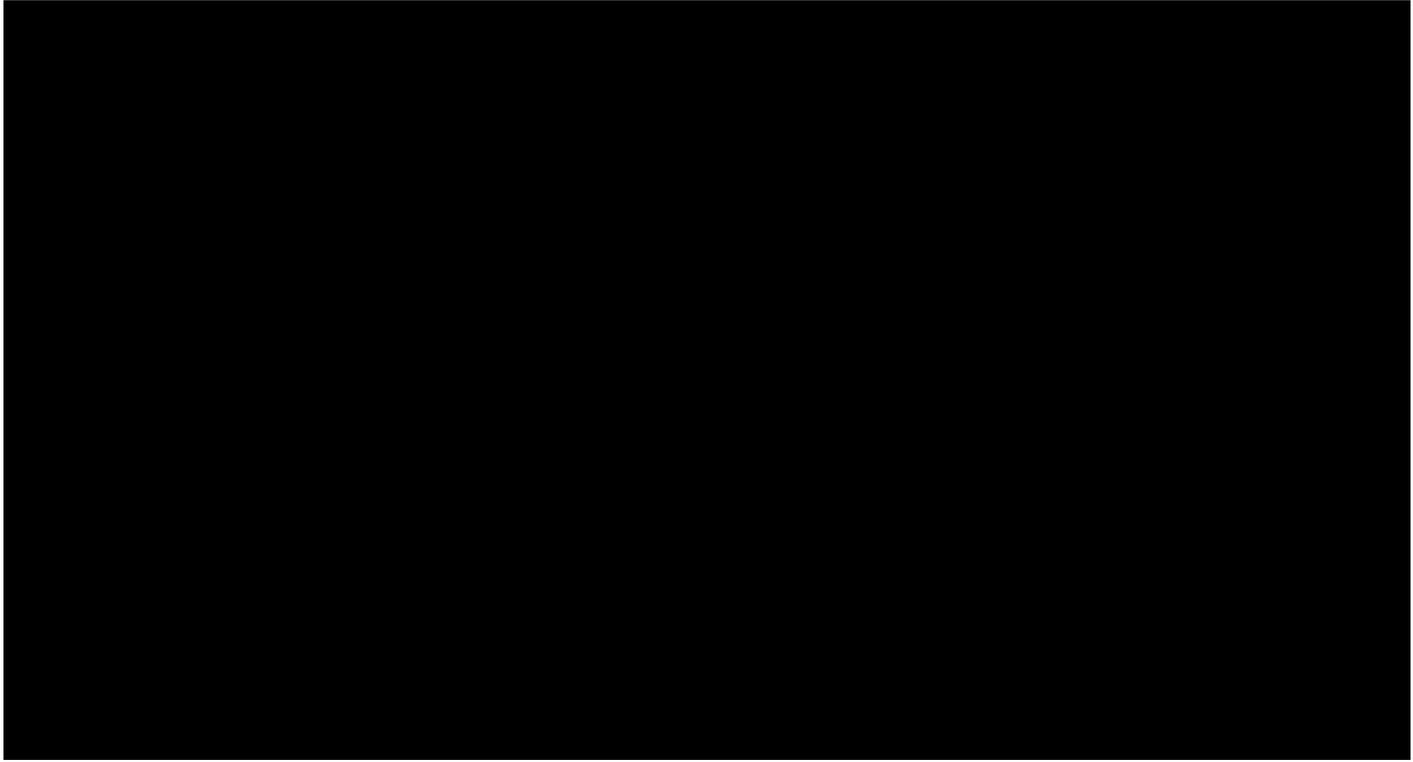
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



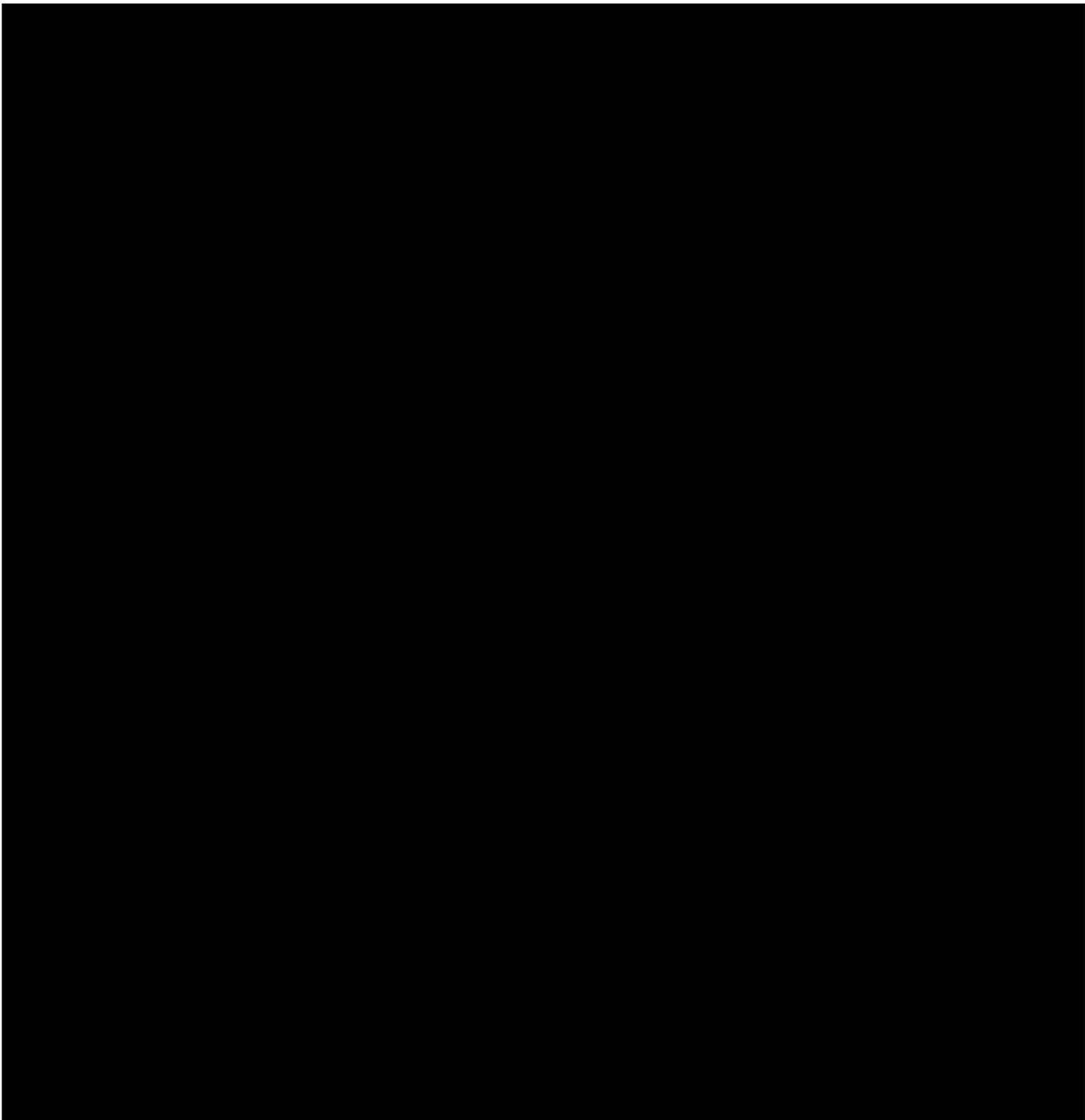


Exhibit J

CRIMINAL COMPLAINT PROSECUTOR COPY		DOCKET NUMBER 2398CR001367	NO. OF COUNTS 7	Trial Court of Massachusetts District Court Department 
DEFENDANT NAME & ADDRESS Efe Ercelik [REDACTED] [REDACTED]			COURT NAME & ADDRESS Eastern Hampshire District Court 205 State Street Belchertown, MA 01007 (413)213-7610	
[REDACTED]	COMPLAINT ISSUED 11/06/2023	DATE OF OFFENSE 11/03/2023	ARREST DATE 11/03/2023	
OFFENSE CITY / TOWN Amherst	OFFENSE ADDRESS 41 Campus Center Way , Umass/amherst Ma 010		NEXT EVENT DATE & TIME 11/06/2023 08:00 AM	
POLICE DEPARTMENT U MASS PD - Amherst	POLICE INCIDENT NUMBER 23-337-AR		NEXT SCHEDULED EVENT Arraignment	
OBTN TUMA202300337	PCF NUMBER	DEFENDANT XREF ID [REDACTED]		ROOM / SESSION Arraignment Session
The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.				

COUNT	CODE	DESCRIPTION
1	265/15A/A	A&B WITH DANGEROUS WEAPON c265 §15A(b)

On 11/03/2023 did, by means of a dangerous weapon, a Personal Weapons (Hands/Feet/Etc), assault and beat DYLAN JACOBS, in violation of G.L. c.265, §15A(b).

PENALTY: state prison not more than 10 years; or house of correction not more than 2½ years; or not more than \$5000 fine; or both such fine and imprisonment. District Court has final jurisdiction under G.L. c.218, §26.

2	266/25/A	LARCENY FROM PERSON c266 §25(b)
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On 11/03/2023 did commit larceny by stealing from the person of DYLAN JACOBS, in violation of G.L. c.266, §25(b).

PENALTY: state prison not more than 5 years; or jail not more than 2½ years.

3	266/126A	VANDALIZE PROPERTY c266 §126A
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On 11/03/2023 did intentionally, willfully and maliciously or wantonly, paint, mark, scratch, etch or otherwise mark, injure, mar, deface or destroy the real or personal property of Dylan Jacobs, in violation of G.L. c.266, §126A.

PENALTY: state prison not more than 3 years; or house of correction not more than 2 years; or fine of not more than \$1500, or three times the value of the property damaged, whichever is greater; or both such imprisonment and fine; plus restitution.

4	265/15A/A	A&B WITH DANGEROUS WEAPON c265 §15A(b)
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On 11/03/2023 did, by means of a dangerous weapon, a Personal Weapons (Hands/Feet/Etc), assault and beat LEAH E JEZER-NELSON, in violation of G.L. c.265, §15A(b).

PENALTY: state prison not more than 10 years; or house of correction not more than 2½ years; or not more than \$5000 fine; or both such fine and imprisonment. District Court has final jurisdiction under G.L. c.218, §26.

5	265/13A/B	A&B c265 §13A(a)
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On 11/03/2023 did assault and beat LEAH E JEZER-NELSON, in violation of G.L. c.265, §13A(a).

PENALTY: house of correction not more than 2½ years; or not more than \$1000 fine.

SIGNATURE OF COMPLAINANT X	SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK/DEP. ASST. CLERK X	DATE
NAME OF COMPLAINANT	A TRUE COPY ATTEST X	CLERK-MAGISTRATE/ ASST. CLERK DATE

Notice to Defendant: 42 U.S.C. § 3796gg-4(e) requires this notice: If you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.

CRIMINAL COMPLAINT ADDITIONAL COUNTS	DOCKET NUMBER 2398CR001367	NO. OF COUNTS 7	Trial Court of Massachusetts District Court Department 
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COUNT	CODE	DESCRIPTION
6	265/39/B	A&B TO INTIMIDATE c265 §39(a)

On 11/03/2023 did commit an assault and battery upon DYLAN JACOBS with the intent to intimidate such person because of such person's race, color, religion, national origin, sexual orientation, or disability, in violation of G.L. c.265, §39(a).

PENALTY: house of correction not more than 2« years; or not more than \$5000 fine, plus surcharge of \$100 for Diversity Awareness Education Fund; or both; and defendant "shall complete a diversity awareness program" approved by the Trial Court's Chief Justice for Administration and Management "prior to release from incarceration or prior to completion of the terms of probation, whichever is applicable."

CRIMINAL COMPLAINT ADDITIONAL COUNTS	DOCKET NUMBER 2398CR001367	NO. OF COUNTS 7	Trial Court of Massachusetts District Court Department 
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COUNT	DESCRIPTION
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7	272/53/F DISORDERLY CONDUCT c272 §53
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On 11/03/2023 was a disorderly person, in that he or she did, with purpose to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, engage in fighting or threatening, or in violent or tumultuous behavior, or did create a hazardous or physically offensive condition by an act that served no legitimate purpose of the defendant, in violation of the common law and G.L. c.272, §53.

PENALTY: not more than \$150 fine. *An elementary or secondary student SHALL NOT be adjudged a delinquent child for an alleged violation of this offense for such conduct within school buildings or on school grounds or in the course of school-related events.*

Exhibit K

COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE, ss.

Trial Court of the Commonwealth
District Court Department
Eastern Hampshire Division
Complaint No.: 2398CR01367

COMMONWEALTH OF MASSACHUSETTS

v.
EFE ERCELIK

FILED

APR 08 2024

Eastern Hampshire
District Court

Memorandum of Decision

The Defendant Efe Ercelik (“Defendant”) was charged in the Eastern Hampshire District Court with Count 6 “Assault and Battery to Intimidate” in violation of GL c. 265 § 39(a). The Defendant moved to dismiss Count 6 arguing that the Application for Criminal Complaint failed to establish probable cause. A hearing on said motion was held on March 29, 2024. Based upon the Courts findings set forth herein, the motion is DENIED.

BACKGROUND. On November 6, 2023, the six count criminal complaint was issued in the above entitled action based the Application for Criminal Complaint containing the Statement of Facts of Officer Thomas Hudock of the University of Massachusetts Police Department. The application and report set forth an incident which occurred on or about November 3, 2023.

DISCUSSION. The Defendant has filed the instant motion seeking to dismiss Count 6 of the complaint based on lack of probable cause. A motion to dismiss a criminal complaint for lack of probable cause is decided from the information contained within the four corners of the application without an evidentiary hearing. *Commonwealth v Bell*, 83 Mass. App. Ct. 61, 981 N.E. 2nd 200 (2013). It must be determined that the facts set forth in the complaint application, together with any reasonable inferences drawn therefrom, establish probable cause that the Defendant committed the charge set forth in the complaint. *See Commonwealth v. Tejada*, 89 Mass. App. Ct. 625, 52 N.E. 3rd 1109 (2016). A motion to dismiss will lie if in fact the application failed to present sufficient evidence for the clerk magistrate to find probable cause. *Commonwealth v DiBennadetto*, 436 Mass. 310, 313, 764 N.E. 2nd 338 (2002). The complaint application must contain sufficient evidence to establish the identity of accused and probable cause to arrest him. *Commonwealth v. McCarthy*, 385 Mass. 160, 430 N.E. 2nd 1195 (1982). At issue in the present case is whether the application for criminal complaint set forth sufficient factual allegations to establish probable cause to believe the Defendant did in fact commit the

aforesaid offense.

Count 6 of the Complaint charges Mr. Ercelik with “Assault and Battery to Intimidate” in violation of G.L. c. 265 § 39(a). For purposes of the motion only, the Defendant does not challenge the sufficiency of the evidence that an assault and battery occurred. The motion is limited to the sufficiency of the facts set forth in the application that he committed the act with the specific intent to intimidate the named victims (hereinafter referred to as “victim 1” and “victim 2”). Assault and battery for the purpose of intimidation requires “(1) an assault and battery on another, 2) with the specific intent to intimidate based upon the victim’s race, color, religion, national origin, disability, or sexual orientation.” See *G.L. c. 265 §39(a)*, *Commonwealth v. Kelly*, 470 Mass. 682, 689, 25 N.E.3rd 288 (2015). The scope of the Defendant’s motivation must be because of the victim’s membership in a particular protected class. *Id.* at 689. It’s not the conduct but the underlying motivation that distinguishes the crime. *Commonwealth v. Barnette*, 45 Mass. App. Ct., 486, 489 (998).

The Statement of Facts indicates Officer Hudock was dispatched to the Student Union on the university campus for the report of an assault and battery. The victim and third party witnesses stated that the individual, later identified as Mr. Ercelik, assaulted the victim while they participated in an organized event in support of the individuals taken as hostages during the conflict between Israel and Hamas. The Statement of Facts indicates that upon Officer Hudock’s arrival, the named victims stated to the officer that the Defendant approached victim 1 in an aggressive manner, called him a “little bitch boy”, told him to go home, referred to the victim as a “Zionist” and then began to punch the victim 1 in the face. The statement also indicated Mr. Ercelik allegedly pulled an Israeli flag from the victim and destroyed it. Victim 2 corroborated victim 1’s version of the events and stated that the Defendant made several derogatory comments and slurs which both Victim 1 and 2 opined were religiously motivated. The Defendant contends the Statement of Facts only sets forth politically motivated comments and actions allegedly made by Mr. Ercelik and therefore the conduct did not fall within the scope of § 39(a). At issue is whether the Application for Criminal Complaint set forth probable cause to believe that the Defendant committed the aforesaid offense. As the court in *Tejeda* stated, “the standard is not difficult to meet.” *Tejeda, supra* at 629. It is a standard which is substantially lower than that required to avoid a directed verdict at trial. See *Commonwealth v. Perkins*, 464 Mass. 92, 101, 981 N.E. 2nd 630, n. 18 (2013). The burden is on the Commonwealth to prove that a defendant acted with the specific intent to intimidate a person because of a protected class. *Commonwealth v. Ogden O.*, 448 Mass 798, 805 (2007). At trial, a defendant has the opportunity to present his defense and to demonstrate to the jury that he did not possess the requisite specific intent required under *G.L. c. 265 §39(a)*. That goes to the weight of the evidence and is an issue for the trier of fact.

The Court finds that the facts as set forth in the Application for Complaint and the Statement of Facts, together with all reasonable inferences drawn therefrom, establishes probable cause that the Defendant committed the offense of Assault and Battery to Intimidate.

CONCLUSION: Therefore, based upon the aforesaid analysis and the reasons set forth therein, the Defendant's Motion to Dismiss for Lack of Probable Cause is DENIED.

SO ORDERED.

Dated:

4/2/24



Bruce S. Melikian First Justice
Eastern Hampshire District Court

Exhibit L



Israeli kibbutz of Nir Oz embodied Hamas'

It's not ur land u fucking plebby ratty bastard

Replied to your Story



Tbh that filter makes ur nose look smaller u little Jew crybaby bitch boy

YOU TOOK A SCREENSHOT OF CHAT!

Replied to your Story



YOU TOOK A SCREENSHOT OF CHAT!

YOU TOOK A SCREENSHOT OF CHAT!

Zionism is racist to Islam
Ur islamaphobe
Hater



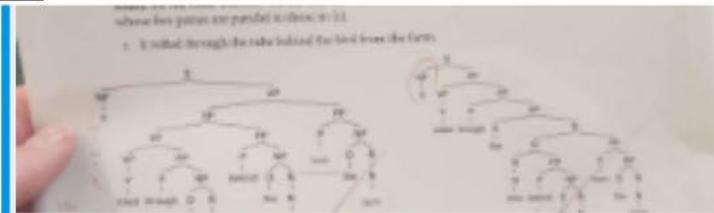




Show Transcript

YESTERDAY

Replied to your Story



No one cares Jew boy

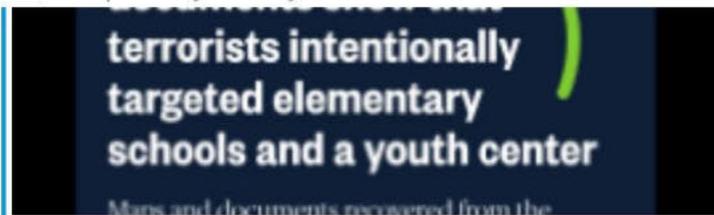


Fuck u [redacted] u big fat nerd I got kicked off the umass story because of u

TODAY

YOU TOOK A SCREENSHOT OF CHAT!

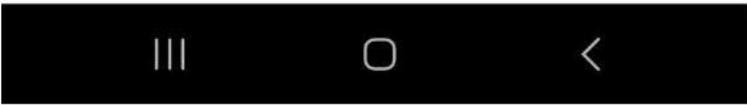
Replied to your Story



Top secret Israeli documents show they have b... noses



 Send a chat    





Sometimes when I take really fat shits there's not enough toilet roll to wipe my ass so I have to use the Israeli flag

YOU TOOK A SCREENSHOT OF CHAT!



Do u not have the mental capacity to reply to any messages

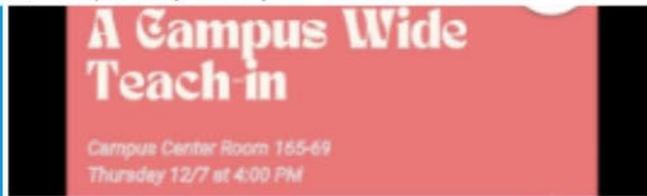
Ur not famous u fat nerd pig fucker

YOU TOOK A SCREENSHOT OF CHAT!



Give me a shoutout

Replied to your Story



No because white people only care about the whites dying not the Muslims

YOU TOOK A SCREENSHOT OF CHAT!



Audio player interface showing a play button, progress bar, volume icon, 1x speed, and 0:04 duration. Below the player, it says 'Transcript Unavailable'.

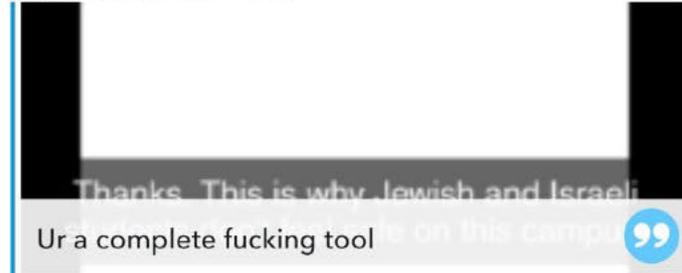




TODAY



Replied to your Story



U need to get a life

Instead of crying on socials about 2 words

YOU TOOK A SCREENSHOT OF CHAT!



Fat pussy Jew bitch

YOU TOOK A SCREENSHOT OF CHAT!

YOU TOOK A SCREENSHOT OF FRIENDSHIP PROFILE!



I'm not even antisemitic I just don't like u

YOU TOOK A SCREENSHOT OF CHAT!



Ur people stole a country that was never urs



Send a chat

